

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION
DOCKET NO:
04-CV-11467 MAP**

**DOUGLAS DYNAMICS, LLC, d/b/a/ WESTERN
PRODUCTS,**

Plaintiff,

v.

B & P SUPPLY, INC.,

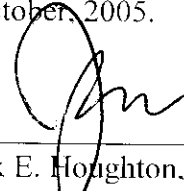
Defendant

**AFFIDAVIT OF
JACK E. HOUGHTON, JR.**

I, Jack E. Houghton, Jr., on oath depose and say that I am a licensed practicing attorney with a office located at 78 Bartlett Avenue, Pittsfield, Massachusetts. I am counsel to the Defendant B & P Supply, Inc. in the above mentioned matter. I make this Affidavit pursuant to Rule 55C of the Federal Rules of Civil Procedure.

As indicated in the Defendant's Motion To Vacate Order For Summary Judgment and to Strike the Affidavit of Peter Dus, I did not physically appear at the hearing on the Plaintiff's Motion For Summary Judgment and to Strike the Affidavit of Peter Dus scheduled for Friday, October 14, 2005 due to the fact that I had not correctly entered the hearing date in my diary; hence, I did not appear. Had it been properly done, I would have appeared. This was an inadvertent mistake on my part. My apologies to the Court and to Plaintiff's Counsel. The Defendant has a meritorious defense(s) to the Plaintiff's Motions as evidenced by Defendant's Memorandum in Opposition to Motion For Summary Judgment and Affidavit of Peter Dus filed on August 4, 2005 to which reference is made.

Signed under the pains and penalties of perjury this 18th day of October, 2005.



Jack E. Houghton, Jr.,
Attorney for the Defendant
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Pittsfield, MA 01201
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B.B.O. # 241040

CERTIFICATE OF SERVICE

I, Jack E. Houghton, Jr. hereby certify that on this 18th day of October, 2005, I sent a copy of the above Affidavit of Jack E. Houghton, Jr. by mailing same to Plaintiff's Attorney of record, Christopher R. Drury, Esq., Pierce Atwood LLP, One Monument Square, Portland, ME 04101 by first class mail, postage prepaid.

A handwritten signature in black ink, appearing to be 'J. Houghton, Jr.', written over a horizontal line.

Jack E. Houghton, Jr.